

REMARKS

Claims 1-40, all the claims pending in the application, stand rejected on prior art grounds. Claims 14-26 are objected to. Claims 1-5, 7, 9, 12-18, 20, 22, 24-31, 33, 35, 37-40 are amended herein. Applicants respectfully traverse these objections/rejections based on the following discussion.

I. The Objections to the Claims

Claims 14-26 stand objected to because the Office Action suggests they are a substantial duplicate of claims 1-13. However, as amended, claims 14-26 are patentably distinct from claims 1-13 and are not substantial duplicates of each other, respectively. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections.

II. The Prior Art Rejections

Claims 1-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jacobson et al. (U.S. Patent No. 5,392,244), hereinafter referred to as "Jacobson". Jacobson teaches a disk array has a plurality of disks, a disk array controller for coordinating data transfer to and from the disks, and a RAID management system for mapping two different RAID areas onto the disks. The RAID management system stores data in one of the RAID areas according to mirror redundancy, and stores data in the other RAID area according to parity redundancy. The RAID management system then shifts or migrates data between the mirror and parity RAID areas on the disks in accordance with a predefined performance protocol, such as data access recency or access frequency.

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However, the claimed invention, as provided in amended independent claims 1, 14, 27 and 40 contain features, which are patentably distinguishable from Jacobson. Specifically, claims 1 and 27 recite, in part, “variably sized object capable of changing a number of bytes of data included therein” and claims 14 and 40 recite, in part, “variably sized object capable of changing a number of bytes of data included therein in a first object storage system, wherein said variably sized object is independent of any other object, and wherein a size of said variably sized object initially remains stable followed by a period of changing sizes followed by a period of being stable.” These features are neither taught nor suggested in Jacobson, which explicitly teaches fixed-size blocks. This fundamental and patentably distinct difference (for example, variably-sized vs. fixed size) causes the Applicant’s claimed invention to be concerned with finding other compatible (similarly-sized) objects to form a group, which is not true in Jacobson. Furthermore, the Applicant’s claimed invention addresses the possibility that an object will have to be grouped differently in the future. However, Jacobson does not address this issue because Jacobson can only deal with fixed-sized blocks.

Page 5 of the Office Action states that “the object being stored [in Jacobson] can be of any size, not limited to a fixed size.” However, this is simply untrue and there is no teaching or suggestion in Jacobson that such flexibility is possible in Jacobson, much less how it would be implemented. Accordingly, the Applicant respectfully requests for the Examiner to provide evidence that substantiates the conclusion reached in the Office Action that Jacobson’s blocks may be variably-sized blocks. Moreover, had Jacobson et al. truly envisioned their invention to include variably-sized blocks, then undoubtedly they would have mentioned it somewhere in their patent. However, such a feature was never intended to be included in Jacobson et al.’s

invention nor meant to be inferred as being a component of Jacobson et al.'s invention. Additionally, the blocks in Jacobson may be related to one another (i.e., dependent on one another) due to the fact that they are fixed-sized blocks.

In view of the foregoing, the Applicant respectfully submits that the cited prior art reference, Jacobson does not teach or suggest the features defined by amended independent claims 1, 14, 27, and 40 and as such, claims 1, 14, 27, and 40 are patentable over Jacobson. Further, dependent claims 2-13, 15-26, and 28-39 are similarly patentable over Jacobson not only by virtue of their dependency from patentable independent claims, respectively, but also by virtue of the additional features of the invention they define. Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings. Thus, the Applicant respectfully requests that these rejections be reconsidered and withdrawn.

III. Formal Matters and Conclusion

With respect to the objections/rejections to the claims, the claims have been amended, above, to overcome these objections/rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections/rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-40, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to

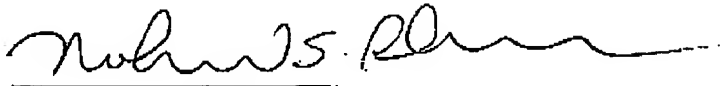
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discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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